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November 13, 1996

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Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Federal Communications Commission  
Office of Secretary

Re: *Implementation of the Telecommunications Act of 1996:  
Telemessaging, Electronic Publishing, and Alarm Monitoring  
Services, CC Docket No. 96-152*

Dear Mr. Caton:

In accordance with the Commission's rules governing ex parte presentations, please be advised that today, Robert Gryzmala and the undersigned representing SBC Communications Inc. ("SBC"), met with Carol Matthey, Michelle Carey, Jordan Goldstein, Susan Launer, Robert McDonald, and Andrea Kearney of the Common Carrier Bureau's Policy and Program Planning Division. The purpose of the meeting was to discuss SBC's stated position in the above-referenced rule making docket.

Written materials, which were used during the presentation, are attached to this letter for inclusion into the official record in this docket. Pursuant to Section 1.1206(a)(1) of the Commission's rules, 47 C.F.R. § 1.1206(a)(1), two copies of this letter and the supporting materials are provided for your use.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Attachments

cc: Ms. Matthey  
Ms. Carey  
Mr. Goldstein  
Ms. Launer  
Mr. McDonald  
Ms. Kearney

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**SBC Communications Inc.  
CC Docket No. 96-152  
Ex Parte Presentation  
November 13, 1996**

- Electronic Publishing - "Operated Independently"
- Electronic Publishing - In-Bound  
Telemarketing/Referral Services
- Electronic Publishing - Teaming and Business  
Arrangements
- "Provision" of Alarm Monitoring
- Telemessaging

## **Section 274 (c)(1) - General Joint Marketing Limitations**

- Section 274(c)(1) applies only to a BOC.
- Section 274(c)(1) does not apply to an affiliate of a BOC.
- The separated affiliate may promote, market, sell, or advertise the BOC's services.
- A BOC's affiliate may promote, market, sell or advertise the BOC's services and the separated affiliate's services.

## **In-Bound Telemarketing/ Referral Services**

- Section 274(c)(2)(A) - BOCs may provide referral services to a separated affiliate.
- Section 274(c)(2)(A) - BOCs may provide in-bound telemarketing services to a separated affiliate.
- In-bound telemarketing freedoms granted BOCs are not limited to a "referral."
- Arrangements must reflect nondiscriminatory terms and conditions.

# Teaming or Business Arrangements

- BOCs may have a teaming or business arrangement with its separated affiliate or with any other electronic publisher to provide electronic publishing services
- Arrangements among those with whom the BOC may team must reflect nondiscriminatory terms and conditions - no competitive imbalance.
- Congress sought to encourage joint activities between BOCs and others to promote the availability of electronic publishing services.
- Benefits:
  - Greater consumer access to electronic publishing services
  - Improve performance of complementary services
  - "One-stop Shopping" -- more efficient and consumer friendly

## **"Provision" of Alarm Monitoring**

- "Provision" does NOT mean CPE, billing & collection and sales agency activities
- Section 275 only prohibits BOCs from engaging in the "provision" of alarm monitoring service
- Customer maintains a direct customer-provider relationship
- SWBT's CEI Plan does not constitute the "provision" of alarm monitoring services

## **Telemessaging**

- The nondiscrimination obligations which apply to BOCs are stated within Section 260(a).
- Section 260 does not provide for structural separation requirements and none should be imposed.

# **SUMMARY**

- "Operated Independently" requirements of the electronic publishing statute are sufficient and exclusive.
- General joint marketing prohibitions must yield to specific joint marketing freedoms - in-bound telemarketing, referral services, teaming and business arrangements.
- The Commission should demonstrate its support for "one-stop shopping."
- The alarm monitoring statute only prohibits BOC "provision" of alarm monitoring services.
- The Commission should not impose a separate subsidiary or colocation requirement, or other burdens and requirements, in connection with telemessaging services.